

1895-017
Lee Co

Chancery Causes: William Greene vs. Eliza Jane Greene

Amyx, Murray, Byrd, Rogers, Robinson

CA Divorce

William Greene

Plaintiff.)

vs.

) Bill for Divorce.

Eliza Jane Greene,

Defendant.)

To the Honorable W.T. Miller, Judge of the Circuit Court
for Lee County, Virginia:

Humbly complaining, your orator, William Greene, a citizen of said County, would respectfully represent and show unto your Honor:

That in the year 1884, in the State of Tennessee, he was lawfully married to Eliza Jane Amyx (Greene).

That he and his wife, the said Eliza Jane Greene, lived and cohabited together as man and wife for a number of years.

That of said marriage there were two children, to wit:-- C.H. Greene and Lucy M. Greene, now the wife of George A. Murray.

That seven or eight years ago he removed from the State of Tennessee, where he had theretofore resided with his said wife, to the State of Colorado and thence to the State of Virginia, in Lee County, where he now and for the past six or seven years has lived, it being necessary to the success of his business that he should reside in Lee County where his entire business interest has been located for several years.

That his wife, the said Eliza Jane Greene, refused to remove with him to his new home in Colorado Lee County, Virginia, where his business interests demanded that he should go.

That for a period of more than five years his said wife has refused to live with him; has deliberately and wilfully separated herself from him; and has ceased to cohabit with him and deserted him.

That for all of said period of time her refusal to live with him, her separation from him, her cessation of cohabitation and her desertion of him have been intentional on the part of his said wife; that during the whole of said period of five years and more her intention has been that the separation should be permanent

should be permanent; that cohabitation should never be resumed with him; and that her desertion was final.

That he did not in any way consent to said separation and desertion, nor contrive or connive in any way to bring it about; but on the contrary was willing that his said wife should remove with him to his new home ^{in Colorado} in Virginia; that she should continue to live with him and cohabit with him as man and wife and that she should not desert him and refuse to live with him.

The said Eliza Jane is not a resident of the State of Virginia.

The object of this bill is to dissolve the bonds of matrimony heretofore and now existing between your orator and the said Eliza Jane Greene.

He therefore prays that the said Eliza Jane Greene be made the party defendant to this bill; that she be required to answer the same on oath; that order publication be made &c.; and that, upon a final hearing, a decree be pronounced dissolving the bonds of matrimony heretofore and now existing between your orator and the said Eliza Jane Greene. And he will ever pray &c.

Amos W. Hyatt, P. 4.

Virginia, Lee County, to wit:--

I, A.B. Munsey, Clerk of the Circuit Court for Lee County Virginia, do certify that William Greene this day personally appeared before me in my county and made oath that the statements made in the foregoing bill for divorce, are true. ~~Six~~
Given under my ~~and~~ hand this the 15th day of Jan 1898.

A. B. Munsey, Clerk

William Greene

vs ~~Bill~~ Bill.

Eliza J. Greene

Duncan V. Hyatt, p. g.

1895 2nd January Rules
Bill filed & Cont'd
for order of Publication

" 1st Feby Rules Cont'd for
O. P.

" 2nd Feby rules order Pub-
Completed & Cause set
for hearing by plff

" March Term Decree
final See order Book
Page 154

Plffs Costs recovered)

C 6.30

Atty 15.00

Cour 4.00

Printer 500

\$30.50

Tax

1.50

\$32.00

William Greene

Plaintiff.

vs.

In Chancery.

Eliza J. Greene.

Defendant.

This cause came on this day to be heard upon the bill of the complainant, the order of publication duly made, posted, published and completed for more than fifteen days before the first day of this term of the Court, and the deposition of witnesses, and was argued by counsel. On consideration whereof and the evidence showing proper cause therefor, it is adjudged ordered and decreed that the bonds of matrimony heretofore existing between the said William Greene and said Eliza J. Greene be and the same are forever dissolved. And it is further adjudged ordered and decreed that the complainant recover of the defendant his costs in the prosecution of this case expended. And this cause is stricken from the docket.

Wm Green

vs Σ deere

Eliza J Green

Final

O.B.

Page 154

Enter this

M. F. M

March 7th 1898.

The depositions of Andrew J. Bird, Joseph Rogers,

which depositions when taken are intended to be read as evidence in behalf of Wm Grune in a certain suit in Chancery now pending in the Circuit Court of Lu County, Va, wherein the said Wm Grune is plaintiff and Eliza J. Grune is defendant.

Present: Wm G. Orr Atty for Plff.

Andrew J. Bird a witness of lawful age being first duly sworn deposes and says.

1st Ques. What is your age?

Ans. Sixty years.

2nd Ques. Are you acquainted with the plaintiff Wm Grune?

Ans. I am

3rd Ques. How long has he been a resident of Lu County, Va?

Ans. I can not state the exact time but he has lived here several years.

4th Ques. Are you acquainted with the defendant Eliza J. Grune?

Ans. I am, and have been acquainted with her for 25 years or more.

5th Ques. Where has she been living for and

during the last five years?

Ans

She has been living in Hawkins County Tenn.

Ques 6th

Has she ever lived with her husband in Lin County, Va. or, has she ever visited him in said County and State?

Ans

I know that she has never lived here and if she ever visited him I know nothing of it.

Ques 7th

Did you ever hear ^{her} say that she would not remove from Hawkins County, Tennessee, and that she would not live with the plaintiff?

Ans

I don't know that I ever did. But I do know that she remained in Tenn. and that the plaintiff lived here.

Ques 8th

Do you know whether or not the plaintiff has furnished the defendant a good and sufficient support?

Ans

He has.

Ques 9th

Have you frequently ^{been} about the house of the plaintiff when he and the defendant lived together and before the defendant refused to live with the plaintiff?

Ans

I was.

Ques 10

Did or did not the plaintiff always

3

Ans

treat his wife kindly?
He did. I never heard anything to the
contrary.
And further this deponent saith not.

A J Byrd

Joseph Rogers another witness of lawful age
being first duly sworn deposes and
says:

1st Question Have you heard the foregoing deposition
of Andrew J. Bird read?

Ans

I have.

2nd Ques Can you adopt it as your deposition
so far as it goes?

Ans.

I can.

3rd Ques Has the defendant abandoned the plain-
tiff and refused to live with him
for the last five years?

Ans

I had a conversation with the defendant
and she said she had ^{from the property} a deed to the
property where she lived, ^{that she} and did not
intend to live with the plaintiff any
more. That conversation was 3 years
ago. My age is 63 years, and
I have known the defendant
for 45 years.

And further this deponent saith not.

Joseph Rogers

The further taking of these depositions
are adjourned until *Saturday Feby*
the 23rd 1895

A.B. Munsey Comr
in Chcy. for Lee Circuit
Court.

Circuit Court Clerk's Office,

February 23rd 1895.

No Witness appearing the taking of these depositions
is continued until Feby. 26th at the Office of Duncan & Hyatt
in Jonesville, Va.

A.B. Munsey Comr in Chcy

Office of Duncan & Hyatt,

Feby. 26th 1895.

The depositions of Frank Robinson, taken pursuant to ad-
journment, at the office of Duncan & Hyatt, in Jonesville, Va
on the 26th day of February 1895.

The witness, Frank Robinson, being duly sworn deposes as
follows:

Ques. 1. What is your age and place of residence?

Ans. Age 48, residence Wallen's creek, Lee County, Vir-
ginia.

Ques. 2. Are you acquainted with the complainant and the defendant
in this case? If so, how long have you known them?

Answer. I am acquainted with them, and have known them both about
18 years.

Ques. 3. Where does the defendant, Eliza J. Greene, reside?

Answer. In Hawkins county, Tenn.

Ques. 4. Where does the complainant, William Greene, reside, and
how long has he lived there?

Answer. He resides in Lee County Virginia, and has been here 5
years, last September.

Ques. 5. State what you may know about the refusal of Mrs. Eliza J.
Greene to live with her husband for the last five years,

and anything you may know about her refusing to remove with him from Tennessee to Virginia?

Answer. Some years ago, probably seven, Col. Greene went to Colorado intending to reside there. He purchased lands there and put buildings on them there, ~~xxxx~~ Mrs. Greene refused to move there. I was at the house where she lives, was living with ~~he~~ her at the time, a gentleman called and asked if Mr. Greene lived there, when Mrs. Greene appeared on the portico and told him that William Greene did not live there. The gentleman asked "where does he live?" when she answered "Bill Greene lives in Colorado." Mr. Greene lived out there about two years with the expectation of her coming to him, but she would not go and did not go, then he came back and established a business here in Lee County, Virginia. He provided for her, sent her money, and repeatedly wanted her to move here, and she refused, and still refuses to do so. ~~I~~

Ques. 6. How long did you live with William Greene and his wife in the State of Tennessee?

Answer. Twelve years.

Ques. 7. Please state whether or not Col. Greene was kind and indulgent husband, whether or not he provided well for his family, and whether or not he ever gave his said wife any cause to abandon him, or to refuse to live with him.

Answer. He was ~~xx~~ a kind and indulgent husband, in fact an exceptionally ~~xxxxxxxxxxxx~~ lly so. Mr. Greene provided for his family in very good style. He never gave her any cause for refusing to live with him, to go with him where he thought his business interest called him, or to refuse to live with him, to my knowledge.

Ques. 8. Please state whether the abandonment by Mrs. Greene of her husband is with the consent and by the connivance of her husband?

Answer. ~~No, sir,~~ ^{heard him} for I have often beg her to go and live with him. I have heard Mrs. Greene frequently state that she would not go with him any place to live.

Wm Greene

v. Depos

Eliza f Greene

Filed Feby 26th 1895

SVB Munro
Clerk

Corn in Chey 2 hours
@ 75¢ ~~\$1.50~~

Ques.9. Please state whether or not Col.Greene's business in Lee County,Virginia, has demanded his personal attention and presence in Lee County, for the last five or six years?

Answer. It has.

Ques.10. From your knowledge of Col.and Mrs.Greene, please state whether or not the abandonment of Col.Greene by his said wife is willful and intentional?

Answer. She has wilfully and intentionally abandoned him.
And further this witness saith n ot.

Frank Robinson

Virginia, Lee County, to wit:

I, A.B.Munsey, a Commissioner in chancery for the Circuit Court of said County, do certify that the foregoing deposition of Andrew J.Bird and Joseph Rogers and Frank Robinson were ^{Subscribed sworn to} duly taken before me in my county, at the times and places there in mentioned, and for the purposes mentioned in the caption.

Given nder my hand this Feby.26th 1895.

A. B. Munsey
Comm. in Chy

Wm. Greene

Depositions

Eliza J. Greene

Taken and Subscribed
to before me and filed
February the 2^d 1878
C. B. Manley

C. B. Manley

Corner of Court St & 3^d St
C. B. Manley

CLERK'S RECEIPT.

No. 17

SUITS.

Plaintiff... William Green

Defendant... Eliza J Green

Date... Jan'y 15 1895 -

Amount of tax, - - - \$ 1.50

~~Common law~~

Chancery... Docket

Received (date)... January 15 1895 -

A. J. Munsey Clerk.

In the Clerk's Office of the Superior Court of the County of
Lee Virginia

William Greene
against

Plaintiff

Eliza J. Greene

Defendant

This day William Greene personally appeared
before me, A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that Eliza J. Greene

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 15 day of January

A. B. Munsey Clerk

1895

Wm Green

vs. } AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Eliza J Green

Duncan & Hight p. q.

In the Clerk's Office of the *Circuit* Court of the *County* of
See on the *15th* day of *January* 1895.

William Greene Plaintiff *In Chancery*
against

Eliza J. Greene Defendant.

The object of this suit is to obtain a decree dissolving the
bonds of Matrimony heretofore existing between
said plaintiff & said defendant.

And an affidavit having been made and filed that the defendant *Eliza J. Greene*

is ^a not resident of the State of Virginia, it is ordered that *she* do appear here, within *fifteen*
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the *Southwest*
Virginian, and that a copy be posted at the front door of the court-house of this *County*
on the first day of the next term of the *County* Court.

A copy—Teste:

Duncan Heyatt p. q.

A B Munsey Clerk.

William Greene

VS.

{ ORDER
OF
PUBLICATION.

Eliza J. Greene

I A B Munsey Clerk
of the Circuit Court for
Lee County Va. do Certify
that I delivered a copy
of the within to A. M. Hoins
one of the Editors of the
Southwest Virginian
on the 13th day of Jan'y 1898
to be published in said
papers for four weeks
and that I posted a copy
of the same at the front
door of the Court house
as the law directs ^{to be} given
under my hand this the
14th of Feby 1898

A B Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Eliza J. Greene

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *February*, 189*5*, to answer a bill in Chancery, exhibited against *her* in our said court by *Wm. Greene*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *15th* day of *January*, 189*5*, and in the 11 *9th* year of the

Commonwealth.

A Copy

A. B. Munsey Clerk.

Teste A. B. Munsey, Clerk

vs. { SUPCENA
IN CHANCERY.

p. q.

To. Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Eliza J. Greene

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *February*, 189*5*, to answer a bill in Chancery,

exhibited against

her

in our said court by

Wm. Greene

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

15th

day of

January

189*5*, and in the 11

9th

year of the

Commonwealth.

A. B. Munsey

Clerk.

Wm *Greene*

vs. { SUPRENA
IN CHANCERY.

Eliza J. Greene

Duncan & Hyatt p. q.

To *1st Feby* Rules,
Circuit Court.

Not executed, not found
This Jan the 29. 1895
G. C. Flanagan. S. L. C.

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 17

day of *June* 189 *5*.

A. M. G. Jones

W. H. Eads

Editors,

VIRGINIA—In the Clerk's Office of the Circuit Court of the County of Lee on the 15th day of January, 1895.

William Greene Plaintiff,
 Against
- Eliza J. Greene Defendant.

The object of this suit is to obtain a decree dissolving the bonds of matrimony heretofore existing between said plaintiff and said defendant. And an affidavit having been made and filed that the defendant Eliza J. Greene is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southwest Virginian, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A Copy—Teste:

A. B. MUNSEY, Clerk.

Duncan & Hyatt p. 9

18917 43v

Plffs Costs recovered

C 6.30
atty 15.00
Cours 4.50
Tax 1.50
Printer 5.50
Co c 28
32.55

William Greene.

vs Bill Chey

Eliza J. Greene

Duncan & Hyatt. p.g.

1895-2nd January Rules Bill filed
& continued for Ord Pub
" 1st Feb by rules Contd Ord
" 2nd Feb by Ord Pub complete
& Cause set for hearing
by Plff.

1895 March Term Decree final
See Chey order Book Page
154.

90 to 00

Plffs Costs recovered

C 6.30
atty 15.00
Cours 4.50
Printer 5.50
Tax 1.50
Co c 28
32.55